

ISSUE INDEX

The Issue Index is arranged alphabetically. The issue headings appear on the left margin underlined and in bold. Below each heading you will find short, descriptive summaries of the Commission's rationale and holdings. Each summary, in turn, is followed by a citation to the applicable Commission decision.

NOTE: The summaries are not law. Please refer to the official Commission decisions for the actual text, rationale, and holdings.

Attorney Fees

The Commission may award attorney fees and costs on petition for review when an agency has acted without a reasonable basis in fact or law.

Lafferty v. Idaho Dep't of Health and Welfare, IPC No. 98-08 (Decision and Order on Request for Attorney Fees, June 6, 2000)

In deciding to award attorney fees and costs on petition for review, the Commission must consider the following factors: 1) the time and labor required in representing the employee; 2) the experience and ability of the attorney representing the employee; 3) the prevailing charges for similar work; 4) the amount involved and the results obtained; and 5) awards in similar cases.

Lafferty v. Dep't of Health and Welfare, IPC No. 98-08 (Decision and Order on Request for Attorney Fees, June 6, 2000)

Given the complexity of the case and the experience of the attorney involved, a fee rate of \$150.00 per hour is a reasonable rate, but a rate of \$165.00 per hour exceeds the rate previously approved in appeals to the Commission and is not reasonable.

Lafferty v. Dep't of Health and Welfare, IPC No. 98-08 (Decision and Order on Request for Attorney Fees, June 6, 2000)

Practice and Procedure before the Commission

On petition for review, motions to dismiss for lack of jurisdiction shall be decided by the Commission. All other motions shall be referred by the administrator to one (1) Commissioner, whose decision on the motion may be communicated to the parties by letter or other informal means, by the administrator or counsel to the Commission. IDAPA 15.04.01.202.05(b).

Mosbrucker v. Idaho State University, IPC No. 99-07 (Order Staying the Proceedings and Briefing Schedule, February 23, 2000)

Mosbrucker v. Idaho State University, IPC No. 99-07 (Order Granting Request for Voluntary Dismissal of Petition for Review, April 6, 2000)